

**Washington Department of Ecology  
Hazardous Waste & Toxics Reduction Program  
Compliance Report**

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**Site: Freedom Marine Engineering & Design, Inc. RCRA ID#: Non-Notifier**

Inspection Date: May 7, 2010

Site Contacts: Howard Toly

Phone: (509) 535-1636

Site Location: East 1202 Front Street

Spokane, WA 99202

NAICS#: 811490

Current Site Status: Small Quantity Generator

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**Ecology**

Lead Contact: Jerry French Phone: (509) 329-3489 FAX: (509) 329-3529

Other Ecology Representatives: Arianne Fernandez, Ted Hamlin

Report Date: May 21, 2010

Report By: Jerry French

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(Signed)

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(Date)

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Facility Background: Freedom Marine Engineering & Design (FM) is primarily engaged in the building and repairing of fiberglass boats. FM is also engaged in the sale of boats. FM has been engaged in the boat repair and boat sale business for nearly 30 years. FM constructed and sold its own line of fiberglass boats up until 1992. FM has been engaged in fiberglass boat repair from 1992 to current date.

In 1988 FM was operating at 1202 East Front Street and was found to have discharged styrene to the City of Spokane storm drain system. Ecology issued a warning letter to FM in 1988 for discharge of the styrene. The warning letter also requested FM to properly handle the styrene hazardous waste that had discharged to the storm drain, obtain a RCRA ID#, and comply with applicable generator requirements.

Ecology issued an order and a penalty in the amount of \$2,500 against FM in June 1990. FM was found to be in violation of generator standards related to storing waste for greater than 90 days, container accumulation period date not marked, not marking containers with the words dangerous waste or hazardous waste, personnel training, preparedness and prevention measures, contingency and emergency planning, emergencies and general inspection requirements. FM was operating at 1202 East Front Street when the above described formal enforcement actions were issued.

Ecology issued an order and penalty against FM in September 2003. The penalty was in the amount of \$34,000. FM was found to be in violation of the following generator standards in 2003:

1. WAC 173-303-016 Failure to determine if a material is or is not a solid waste.
2. WAC 173-303-070 Failure to designate a solid waste.
3. WAC 173-303-140 Failure to land Disposal restrictions for hazardous waste constituents
4. WAC 173-303-141(1) Failure to send dangerous waste to a permitted TSD facility.
5. WAC 173-303-145(2) Failure to provide notice of a spill or discharge to Ecology.

6. WAC 173-303-145(3) Failure to take appropriate mitigation and control measures after a spill or discharge.

FM has complied with the directives in the Order and has paid off the penalty.

Inspection Summary: Dan Brown guided Ecology through the FM facility. Attached to this report is a Photo Log (PL) showing the various pictures taken of the FM facility.

The inspection started on the east side of the FM building where Ecology inspected two storm water catch basins as follows:

- PL # 171 shows a catch basin. Boat molds, boats, garbage and debris are next to this catch basin. Storm water that enters this catch basin flows into the City of Spokane storm water collection system. A dye test conducted by the City of Spokane Wastewater Department in March 2003 revealed that storm water in this storm drain flows into the Spokane River. FM plugged this storm drain with cement in 2003. In May 2010, the City of Spokane conducted a storm line video inspection via Ecology's request. The video camera revealed a private storm drain line was connected to the City's system from FM's parking lot.
- PL# 172 shows the general area immediately to the left of where Dan Brown is standing in the picture where a catch basin is located on the southeast corner of the FM building. Silt, debris and garbage are accumulated around this catch basin. This catch basin had previously flowed into the catch basin shown in PL# 171. Storm drain shown in PL# 172 was plugged with cement by FM immediately in 2003 after it was found by a dye test to drain into the Spokane River. A sump inside of the FM building as shown in PL# 245 had drained into the storm drain shown in PL# 172. The sump in PL# 245 was also plugged with cement in 2003. FM was found to be discharging hazardous waste to the Spokane River and was ordered to plug the sump and the storm drain in 2003.
- PL# 244 and 245 shows the sump inside of the FM building next to a roll-up garage door. This sump is plugged with cement. Rain water from outside of the building will sometimes flow under the roll-up garage door into the filled in sump. Rain water in this sump may be contaminated with chemicals stored inside of the FM building. FM needs to remove the rainwater from the sump and place it into a closed container every time that rainwater comes into the building. FM must properly sample, designate and dispose of the storm water that accumulates in the sump.
- PL# 179, 180, 181, 182 shows the south and southeast side of the FM facility. Boats, a wrecked car, fiberglass boat molds and other boat manufacturing equipment are stored here.
- PL# 192 shows electronic waste on the ground next to catch basin shown in PL# 171.
- FM conducts boat building and repairing. Fiberglass boat molds and boat manufacturing equipment are stored outside in the weather on FM property. Storm water that contacts and flows over the surface of the FM facility have the potential to discharge polluted storm water into storm drain collection systems and into the Spokane River. A business that conducts boat building and repairing is subject to a Storm Water Permit. The Ecology Water Quality Program will contact you by letter and site visit on the matter of storm water drainage and permit issues.

The fenced yard located outside and on the west side of the FM facility was inspected. Garbage, debris, unknown materials, vehicles, scrap metal and miscellaneous items were stored throughout this area.

Ecology has referred the garbage issue to the City of Spokane Code Enforcement Department for follow-up action.

Areas of concern in the fenced yard on the west side of the FM facility are shown in the Photolog and described as follows:

- PL# 176 and 197 shows an "Exit" sign. Exit signs may have radioactive tritium in them and are supposed to be managed and disposed of through radioactive material management standards. Ecology has referred the "Exit" sign disposal issue to the Washington State Department of Health for compliance follow-up.
- PL# 194, 197, 198, 199, 200, 201, 203, 204, 205, 206, 208, 217, 224, 225, 228 and 229 show light ballasts, light fixtures, miscellaneous electrical equipment, electric cables and window windows. Light ballasts were observed lying outside in the weather within the fenced yard west of the FM building. Light ballasts were observed attached to fixtures inside of the rail box car storage unit. It is our understanding that these light ballasts were originally produced at the old Columbia Lighting facility that operated in the Spokane area many years ago and were transported to the FM facility. We also observed various electrical devices, old cable with insulation and old windows with caulking. The ballasts, cable insulation, electrical devices and window caulking may contain PCB's. PCB's are regulated by the United States Environmental Protection Agency (EPA) under the Toxics Substance Control Act (TSCA). Ecology has referred the designation and disposal of these items to Dan Duncan at the EPA Region 10 office in Seattle, WA for TSCA follow-up.
- PL# 232 and 236 shows insulation materials. Dan Brown told Ecology that he had removed the insulation from his home, stored it in plastic bags and placed it on FM property. The insulation material might contain asbestos. Ecology has referred the disposal and handling of waste insulation material to the Spokane Regional Clean Air Agency for follow-up.
- PL# 210 shows a black colored plastic tote that is partially open. The tote appears to holding dirt and other debris. FM needs to identify the materials in this tote and properly dispose it. If the material in this tote is a non-hazardous waste then Ecology will refer it as is a garbage issue to the City of Spokane Code Enforcement Department for follow-up.

Dangerous waste problems found during the inspection are:

- PL# 212 and 213 shows propane cylinders. FM needs to determine if these cylinders have propane in them or if they are empty. Propane may be used as intended or it must be properly disposed.
- PL# 207 shows a white colored plastic bucket that may be holding paint. FM needs to determine if the bucket holds paint that is reuseable or if it must be properly disposed.
- PL# 240 shows a catch pan container holding used oil. Used oil must be placed into a container or drum that is always closed and be marked or labeled with the words "Used oil".
- PL# 242 shows a 55-gallon drum that holds fiberglass resin product. An open top can setting next to the drum was partially full of resin. A 5-gallon "satellite bucket" marked as "Hazardous waste" was next to the drum and the can as shown in PL# 242 and 243. FM needs to add dangerous waste resin and solvents to the "satellite bucket" each time that waste resin is generated.

- Ecology issued Administrative ORDER No. DE 03HWTR-5766 (Order) that required, among other things, for FM to identify and designate materials that are and are not a solid waste in compliance with WAC 173-303-016 and 173-303-070. FM complied with the material identification and designation directives in the Order.

FM is now storing chemical materials in containers inside and outside of its facility building. FM needs to determine if materials in containers stored inside of the FM building and outside of the FM building are a useable material product or if it is an abandoned waste material that requires proper storage, designation and disposal.

- **Ecology and Howard Toly will need to meet on-site at the FM facility within the next 30 days of receipt of this report and walk through the FM facility to inventory the chemical materials that are stored in containers at the FM facility. The results of the inventory will determine if a chemical material is a useable product or if it is an abandoned waste that requires proper disposal. If it is a chemical product then it must be stored in a manner to prevent a release to the environment. If it is a chemical waste then it must be properly stored, designated and disposed of.**

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